

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Allen David Roses

Serial No.: 09/826,629

Examiner: Allen, Marianne P.

Filing Date: April 5, 2001

Art Unit: 1631

For: *Iterative Analysis of Non-responding
Population in the Design of
Pharmacogenetics Studies*

Commissioner for Patents
Washington D.C. 20231

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Plunkett
12/18/02

RESPONSE TO RESTRICTION

Sir:

This paper is submitted in response to the Office Action mailed September 25, 2002 (Paper No. 6) for which a 1 month shortened statutory period to respond was set. Accordingly, this paper is timely filed on or before October 25, 2002. Early examination of the application on the merits is earnestly solicited.

REMARKS

Claims 1-19 are pending in this application. The Examiner has required restriction to one of four groups. In response to such restriction Applicants wish to proceed as follows.

Applicants elect with traverse Group IV drawn to methods of developing a drug for different patients classified in Class 702, Subclass 20, claim 7, for proceeding with prosecution on the merits.

Applicants respectfully disagree with the subject restriction requirement and traverse as follows. The Examiner has not established that an unduly burdensome search and examination would be required in the present application. That is, it is believed that the Examiner has not established (1) separate classification, (2) separate status in the art, or (3) a different field of

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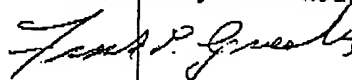
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search for the subject matter of the various asserted inventions as required by M.P.E.P. 808.02. Applicants believe the present invention, as described, may be searched and examined without undue burden on the U.S. Patent Office. It is respectfully asserted that the Office Action has not provided a basis for asserting otherwise. Accordingly, Applicants respectfully request reconsideration of the restriction requirement.

Applicants believe that no fees are due in connection with the filing of this paper other than those specifically authorized herewith. However, should any other fees be deemed necessary to effect the timely filing of this paper the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-1392.

Respectfully submitted,



Frank P. Grassler
Attorney for Applicants
Registration No. 31,164

Date: December 13, 2002
GlaxoSmithKline
Five Moore Drive, PO Box 13398
Research Triangle Park
North Carolina 27709
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GROUP 1600



GlaxoSmithKline

To Examiner Allen, Marianne P., Group 1631

Company USPTO

Fax 703-872-9306

From Marjorie J. Pfeiffer

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Date December , 2002 Pages including cover 7

Subject Response to Restriction Requirement

GlaxoSmithKline
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Re: Response to Restriction Requirement and Extension of Time
Application of Allen David ROSES
U.S. Serial No.: 09/826,629; Filed: April 5, 2001
Examiner: Allen, Marianne P.; Group Art: 1631
Title: *Iterative Analysis of Non-responding Population
In the Design of Pharmacogenetics Studies*
Attorney Docket No. PU3948US2

Attached:

1. Certificate of Transmission (37 CFR 1.8(a))
2. Transmittal Form
3. Petition and Fee for Extension of Time (in duplicate)
4. Response to Restriction (2 pages)

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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

Applicant(s): Allen David ROSES

Docket No.

PU3948US2

Serial No.

09/826,629

Filing Dat

April 5, 2001

Examiner

Allen, Marianne P.

Group Art Unit

1631

Invention: **ITERATIVE ANALYSIS OF NON-RESPONDING POPULATION IN THE DESIGN OF
STUDIES PHARMACOGENETICS**

I hereby certify that this Response to Restriction with Extension of Time

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DECEMBER 16, 2002
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application	09/826,629
	Filing Date	April 5, 2001
	First Named	Allen David ROSES
	Group Art Unit	1631
	Examiner Name	Allen, Marianne P.
	Attorney Docket Number	PU3948US2
Total Number of Pages in This Submission		

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence	<input type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Frank P. Grasser Registration No. 31,164 Telephone: (919) 483-2482
Signature	 23347
Date	December 13, 2002 PATENT TRADEMARK OFFICE

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